



January 21, 2019

Summary of H.R. 1: The For the People Act

Division A: Voting

Title I—Election Access.

Subtitle A, the Voter Registration Modernization Act of 2019, modernizes the voter registration process by amending the National Voter Registration Act (NVRA) to require states to provide for online voter registration, and to allow voters to update their registration information online.

The Subtitle requires state election officials to provide for Automatic Voter Registration (AVR) of citizens who are in contact with specified state or federal agencies, subject to citizens being able to opt out of registration.

The Subtitle amends the Help America Vote Act (HAVA) to require states to provide same-day registration of eligible voters. It further amends the NVRA to restrict the removal of voters from registration lists based on inter-state cross-checks, by providing additional safeguards against erroneous removals. The Subtitle adds a new criminal provision to make it illegal for any person to corruptly interfere with or hinder voter registration.

Subtitle B amends HAVA to require states to facilitate access to registration and voting for individuals with disabilities by allowing improved access to registration and absentee ballots by mail and electronically, as well as by other means.

Subtitle C adds a new criminal provision to prohibit “voter caging” as a basis for challenging a voter’s eligibility to vote. [Voter caging is the practice of sending mass direct mailings to registered voters by non-forwardable mail, then compiling lists of voters, called “caging lists,” from the returned mail in order to formally challenge their right to vote on that basis alone.]

Subtitle D, the Deceptive Practices and Voter Intimidation Prevention Act of 2019, criminally prohibits deceptive practices in federal elections, which include making knowing misstatements about the time, place or manner of the election, or the qualifications to vote.

Subtitle E, the Democracy Restoration Act of 2019, restores voting rights in federal elections to ex-felons.

Subtitle F, the Voter Confidence and Increased Accessibility Act of 2019, improves election security by amending HAVA to require the use and preservation of voter-verified paper ballots.

Subtitle G amends HAVA to require the counting of provisional ballots for each election in which a voter is eligible to vote, notwithstanding the precinct or polling place at which a provisional ballot is cast.

Subtitle H amends HAVA to require states to provide at least 15 days of early voting and sets minimum requirements for early voting.

Subtitle I amends HAVA to require state officials to allow absentee voting by mail, subject to certain timing and verification procedures.

Subtitle J amends the Uniformed and Overseas Citizens Absentee Voting Act to require states to provide absentee ballots to absent uniformed services and overseas voters by not later than 45 days before an election.

Subtitle K provides assistance to states for recruiting and training poll workers.

Subtitle L provides for a private right of action to enforce provisions of HAVA.

Subtitle M provides safeguards against conflicts of interest on the part of state election officials by prohibiting such officials from taking an active part in any federal political campaign over which the official has supervisory authority.

Subtitle N promotes voter access by treating universities as voter registration agencies, by requiring voters to receive notice of changes to polling places, and by making election day a federal holiday. It also permits a voter to use a sworn written statement to meet voter identification requirements if a state has such a requirement for voting. This Subtitle also reauthorizes the Election Assistance Commission and improves its operations.

Subtitle O is a severability provision.

Title II—Election Integrity.

Subtitle A contains findings relating to restoration of the Voting Rights Act.

Subtitle B contains findings relating to Native American voting rights.

Subtitle C contains findings relating to District of Columbia statehood.

Subtitle D contains findings relating to territorial voting rights.

Subtitle E, the Restricting Reform Act of 2019, contains provisions reforming the congressional redistricting process by requiring states to establish independent redistricting

commissions, and sets standards and procedures by which such commissions will carry out redistricting. It also establishes criteria for congressional redistricting plans, and provides for a court-ordered plan to be drawn by a three-judge court in the event a commission fails to timely promulgate a plan.

Subtitle E, the Stop Automatically Voiding Eligible Voters Off Their Enlisted Rolls in States Act, amends the NVRA to establish standards governing the process by which a state can remove voters from the registration list.

Subtitle G is a severability provision.

Title III—Election Security.

Subtitle A amends HAVA and authorizes funding to provide grants to states to replace voting systems in order to comply with security standards. It authorizes for these purposes \$1 billion for fiscal year 2019 and \$175 million for each of fiscal year 2020, 2022, 2024 and 2026. It also provides funding to states to conduct risk audits to evaluate the risk of security breaches in voting systems.

Subtitle B authorizes the Secretary of Homeland Security to conduct a security risk and vulnerability assessment of the election infrastructure of a state, if requested to do so by the chief election official of the state. It also requires the Secretary and the Director of National Intelligence to submit an annual report to Congress on foreign threats to elections in the United States.

Subtitle C requires the President to issue a national strategy to protect against cyber-attacks, influence operations, disinformation campaigns and other activities that could undermine the security and integrity of democratic institutions in the United States. It also establishes within the legislative branch a National Commission to Protect United States Democratic Institutions to prepare a report for the President and Congress on findings and recommendations to strengthen protections for democratic institutions in the United States.

Subtitle D amends HAVA to require the Election Assistance Commission (EAC) to provide for the testing of voting system hardware and software by accredited laboratories and to decertify such hardware or software if it does not meet the most recent guidelines.

Subtitle E, the Prevent Election Hacking Act of 2019, requires the Secretary of Homeland Security to establish a program to improve the cybersecurity of election systems by encouraging assessments by independent technical experts to identify and report cybersecurity vulnerabilities.

Subtitle F has definitional provisions.

Subtitle G is a severability provision.

Division B: Campaign Finance

Title IV – Campaign Finance Transparency.

Subtitle A sets forth findings relating to the use of illicit money to undermine democracy.

Subtitle B, the Democracy Is Strengthened by Casting Light on Spending in Elections Act of 2019 (DISCLOSE Act), defines certain corporations partly owned or controlled by foreign nationals to be treated as foreign nationals for purposes of the existing ban on campaign-related spending by foreign nationals. It extends the ban on foreign nationals to cover contributions to Super PACs. It requires all corporations and all PACs to certify to the FEC that they are in compliance with the foreign national prohibitions prior to making any contribution or expenditure.

This Subtitle requires certain “covered organizations,” including corporations, labor organizations and non-profit groups, to file disclosure reports of any “campaign-related disbursements” once the organization has spent an aggregate of \$10,000 for such disbursements. The disclosure reports must include a listing of each such disbursement of \$1,000 or more, the election to which the disbursement relates, and either a list of all donors of \$10,000 or more to a separate account from which the disbursements were made or, if the disbursements were made from a general treasury fund, a list of all payers of \$10,000 to that general account, subject to certain exceptions. Disclosure is also required in certain cases of transfers of \$10,000 or more made by a “covered organization” to another person where specified factors indicate the transferred funds will be spent for campaign-related disbursements. This Subtitle also modifies the rules for judicial review of challenges to the constitutionality of any provision of the federal campaign finance laws.

Subtitle C, the Honest Ads Act, expands the definition of “public communication” to include paid internet and paid digital communications. It requires internet and digital communications to include a disclaimer statement about the source of funding for the ad, and provides standards for how the disclaimer will appear. It also requires large online platforms to maintain publicly available records of any request to purchase a political advertisement on the platform, including information about the ad and the sponsor of the ad.

Subtitle D, the Stand By Every Ad Act, expands the “stand by your ad” disclaimer requirements to include information about the “top funders” of the ad, and applies the requirements to organizations which sponsor campaign-related ads. It also provides standards for how the disclaimer information will appear in video, audio and prerecorded telephone ads.

Subtitle E repeals a restriction on the Internal Revenue Service from spending any funds for any rulemaking relating to campaign expenditures by non-profit groups.

Subtitle F repeals a restriction on the Securities and Exchange Commission from spending any funds for any rulemaking relating to campaign expenditures by corporations.

Subtitle G repeals a restriction on the use of funds to require disclosure of political spending by government contractors.

Subtitle H, the Presidential Inaugural Committee Oversight Act, prohibits donations to presidential inaugural committees by any person that is not an individual and by foreign nationals, and imposes a contribution limit of \$50,000. It also imposes new requirements on inaugural committees to file public disclosure reports that include itemized information about their expenditures.

Subtitle I is a severability provision.

Title V – Campaign Finance Empowerment.

Subtitle A sets forth findings relating to the Supreme Court *Citizens United* decision.

Subtitle B, the Government By the People Act of 2019, creates a small donor, public matching funds system for House elections. A House candidate who voluntarily chooses to participate, and who raises a threshold qualifying amount and number of \$200 contributions, will receive a 6-to-1 match of all contributions of up to \$200, subject to a cap on the aggregate amount of public financing a candidate can receive. In the general election period, a participating candidate can receive a 9-to-1 match of small contributions, up to an additional aggregate amount. A participating candidate agrees to abide by a limit of \$1,000 per donor, per election (though any contributions aggregating over \$200 per donor, per election are not matched). This Subtitle also establishes a pilot program for three states to distribute \$25 vouchers to residents who can use the vouchers to make contributions to federal candidates.

Subtitle C, the Empower Act of 2019, amends the existing presidential public financing law to provide that a presidential candidate who voluntarily chooses to participate and who raises a threshold qualifying amount and number of \$200 contributions will receive a 6-to-1 match of the first \$200 of contributions of up to \$1,000, subject to a cap of \$250 million in public financing for each of the primary election and general elections. Participating candidates agree to be bound by a \$1,000 per election per donor limit on all contributions. The existing state-by-state and national spending limits are repealed.

Subtitle D, the Help America Run Act of 2019, provides that payments by candidates for child care and related costs are authorized campaign expenditures if the services are necessary for the candidate or staff to participate in campaign-connected activities.

Subtitle E is a severability provision.

Title VI – Campaign Finance Oversight.

Subtitle A, the Restoring Integrity to America's Elections Act, reforms the structure and function of the Federal Election Commission. It reduces the agency from six to five members, and establishes a Blue-Ribbon Advisory Panel to make recommendations to the President on qualified individuals to appoint to the Commission. It provides additional authorities to the

Chairman of the agency. It further provides for the general counsel to make recommendations to the Commission on enforcement cases at the reason-to-believe and probable cause stages of the enforcement process, and provides that those recommendations shall take effect unless the Commission by majority vote affirmatively overrules the recommendations within 30 days. It also strengthens the right of complainants to seek judicial review of decisions by the agency to dismiss a complaint, or if the agency fails to timely take action on a complaint.

Subtitle B, the Stop Super PAC-Candidate Coordination Act, strengthens standards for a finding of coordination between a candidate and an outside spender. It provides that a “coordinated expenditure” is one that is not made entirely independently of a candidate, and includes a payment made pursuant to a general or particular understanding with a candidate. It further provides that a “coordinated expenditure” includes a payment for a “covered communication” made by a “coordinated spender.” A “coordinated spender” is defined as any person who meets one of six tests that describe the relationship between a candidate or his agents and the outside spender. A “covered communication” includes express advocacy ads, ads which promote, support, attack or oppose a candidate, and ads which refer to a candidate in the pre-election period. This Subtitle also clarifies the prohibition on a candidate raising money for a Super PAC.

Subtitle C is a severability provision.

Division C: Ethics

Title VII – Ethical Standards.

Subtitle A directs the Judicial Conference to issue a code of conduct which shall apply to all federal judges and all Justices of the Supreme Court.

Subtitle B strengthens enforcement of the Foreign Agents Registration Act (FARA) by directing the Attorney General to establish a separate unit within the Justice Department with responsibility for enforcement of the Act, and it also increases penalties for violation of the Act.

Subtitle C amends the Lobbying Disclosure Act (LDA) to provide that legislative, political and strategic consulting services shall be treated as “lobbying activities” and, if used in support of “lobbying contacts,” shall be treated as “lobbying contacts” that require registration under the Act by the person providing the consulting services.

Subtitle D requires presidential appointees to recuse themselves from any matter in which the President, or an entity in which the President has a substantial interest, is a party.

Subtitle E is a severability provision.

Title VIII – Ethics Reforms for the President, Vice President, and Federal Officers and Employees.

Subtitle A, the Executive Branch Conflict of Interest Act, amends the criminal conflict of interest law to prohibit executive branch officers and employees from taking any compensation from a former employer that is contingent on their accepting a position in the United States government. This Subtitle also strengthens existing revolving door provisions by prohibiting certain executive branch employees from participating for two years in particular matters in which their former employers or clients have a financial interest. It increases the criminal and civil penalties for violation of these provisions.

This Subtitle also prohibits former government procurement officers from accepting compensation for two years after leaving government from any contractor, including its divisions and affiliates, to which the procurement officer has awarded a contract. It also prohibits any federal employee from participating in the award of a contract to a former employer of the federal employee for a two-year period.

Subtitle B, the Presidential Conflicts of Interest Act of 2019, states a sense of Congress that the President and Vice President should divest any conflicting financial assets by establishing a qualified blind trust.

Subtitle C, the White House Ethics Transparency Act of 2019, requires the White House to make public any ethics waivers that it issues and to provide a copy of the waiver to the Office of Government Ethics (OGE).

Subtitle D, the Executive Branch Comprehensive Ethics Enforcement Act of 2019, strengthens OGE by providing standards for removal of the Director of OGE and providing the Director with certain increased authorities. The Subtitle requires the Director of OGE to provide ethics training to agency ethics officers, and requires the head of each agency to post each recusal or waiver issued by the agency.

Subtitle E, the Conflicts from Political Fundraising Act of 2019, requires certain executive branch officials to disclose political fundraising activities they were involved in prior to becoming a federal official.

Subtitle F, the Transition Team Ethics Improvement Act, imposes certain disclosure and conflict-of-interest rules on members of presidential transition teams.

Subtitle G, the Ethics in Public Service Act, requires each executive agency appointee to sign an ethics pledge agreeing to restrictions on accepting gifts from lobbyists and agreeing to certain revolving door provisions.

Subtitle H is a severability provision.

Title IX – Congressional Ethics Reform.

Subtitle A requires Members of Congress to reimburse the Treasury for amounts paid as settlements or awards in cases of employment discrimination by Members.

Subtitle B amends the House Rules to prohibit Members and staff of the House from serving on boards of for-profit entities. It also prohibits Members and staff from using their official position to introduce or pass legislation that has a principal purpose to further their pecuniary interest.

Subtitle C, the Connecting Lobbyists and Electeds for Accountability and Reform Act (CLEAR Act), requires campaign finance disclosure reports to identify donors who are registered lobbyists.

Subtitle D, the Access to Congressionally Mandated Reports Act, requires certain “congressionally mandated reports” to be made available to the public.

Subtitle E is a severability provision.

Title X – Presidential and Vice-Presidential Tax Transparency.

This Title requires the President and Vice President, and general election candidates for President and Vice President, to submit their tax returns for the 10 most recent years to the FEC, which shall make them publicly available.